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Attorney General's Office calls for stronger patient protections, increased oversight of the medical profession in response to widespread failures to report Earl Bradley's suspicious behaviors

Wilmington – A report released today by Attorney General Beau Biden's office finds that numerous health care professionals appear to have failed to live up to their legal responsibilities to report Earl Bradley's suspicious behaviors. The findings show that Delaware's laws and procedures governing the medical field are broken and in need of significant reforms to better protect patients.

The report also finds that the Delaware Board of Medical Practice did not fulfill its legal obligation to investigate allegations that Bradley molested a patient in Philadelphia shortly before moving to the First State and that, several years later, the Delaware Medical Society never reported Bradley to the Board despite intending to do so.

In January, Biden commissioned the Department of Justice to look into which individuals and entities had suspicions about Bradley's behavior and whether they were required to report their concerns to the Board of Medical Practice and/or the Division of Family Services under Delaware law.

"We will never know if a report to the Board of Medical Practice would have stopped Earl Bradley from harming more patients," Biden said. "We do know that the public will be best served if our findings are used to spark important improvements in Delaware law that will lead to a safer environment for patients. We know what went wrong. Now we must act. The Attorney General's Office looks forward to working with the Governor and the General Assembly on specific legislation to enact these recommendations."

Bradley, who has been indicted on more than 500 counts of rape and other sexual assault offenses against patients at his pediatric practice, received his Delaware medical license in 1994. That year, just before Bradley moved to Delaware, a Philadelphia mother alleged she saw Bradley with his hand in her daughter's diaper after claiming he was taking her to a room to see a Barney dinosaur toy. "I want to do everything in my power to stop this man," the mother wrote to the Pennsylvania Bureau of Professional and Occupational Affairs, which oversees the medical profession. "I know what I saw."

The child's mother reported the incident both to the Bureau and to the Philadelphia Police Department. Both closed their investigations with no findings of wrongdoing by Bradley after minimal review. The Delaware Board of Medical Practice learned about the charges but did not pursue an investigation of its own – even though section 1731A of the state's Medical Practices Act requires it to look into such allegations, even if the alleged offenses occurred in another state.

"As you well know, since the alleged infraction occurred in Pennsylvania, we were unable to do our own investigation. We relied on you, and you came through for us," the executive director of

the Delaware Board of Medical Practice wrote to his/her counterpart in Pennsylvania in 1995 after Delaware's Board opted not to look into the Pennsylvania incident.

Another glaring breakdown occurred in 2004, when the Medical Society of Delaware's controversial Physicians Health Committee failed to report allegations by Bradley's sister, who had previously worked in his office. In a letter, she accused Bradley of excessive time spent with patients, mood swings, bad hygiene, poor record keeping, problems with anger management and exorbitant spending. The letter also included a line – allegedly not transmitted because of a fax machine problem – stating that Bradley inappropriately touched girls.

The Committee voted to report Bradley to the Board of Medical Practice, but inexplicably the information was never sent to the Board and no attempt to follow up was made. The chair of the Physicians Health Committee, who received the sister's complaint, also had an individual duty to personally report Bradley after receiving the sister's letter and follow-up call.

The investigation also uncovered many problems with the statute that mandates that health care providers report reasonable suspicions of inappropriate behavior by physicians. To address them and to better protect patients, Biden endorsed about two dozen statutory and procedural changes, including:

- Require all doctors to be supervised when with minor patients.
- Sharply increase financial penalties for failure to report suspicious and unprofessional behavior by physicians.
- Make the Board of Medical Practice's disciplinary hearings more transparent by removing needless "protect the doctor" provisions. Currently the board is the only such public body permitted to conduct closed disciplinary hearings.
- Change the Board's investigation process so that a specially trained investigator – and not a fellow physician, as is currently the case – decides whether to turn a case over to the Department of Justice for criminal investigation.
- Require the Board to notify law enforcement agencies when it receives complaints of criminal misconduct by doctors.
- Require the Board to investigate verbal complaints, allow it to investigate anonymous complaints, and streamline its emergency license suspension process.
- Mandate that hospitals report all investigatory actions taken against employees.

The Department of Justice investigation identified many more mistakes in the handling of reports of Bradley's behavior over the years, including:

- In 1996, a Beebe Hospital executive should have reported allegations to the Board of Medical Practice that Bradley excessively kissed his patients and required only girls to be naked during sports physicals.
- Beebe staff should have reported Bradley to the Board in 1998 for taking pictures of patients and performing a gynecological exam on a patient against her mother's wishes.
- There is additional evidence that other doctors had concerns but did not report them. For instance, one doctor who worked with Bradley referred to him as a "pedophile" in casual conversation. Another doctor heard from several patients' parents that they had left Bradley because he conducted long vaginal exams. Another doctor treating former Bradley patients heard parent complaints that Bradley forced children to undress and removed patients from their parents' supervision. That information could have been sent to the Board for investigation.

The full report is available on the Attorney General's website at www.attorneygeneral.delaware.gov.